

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THEODORE M NICKENS,	:	
Plaintiff,	:	
v.	:	Case No. 3:05-cv-269-KRG-KAP
PENNSYLVANIA DEPARTMENT OF	:	
CORRECTIONS, JEFFREY BEARD,	:	
Secretary, Pennsylvania	:	
Department of Corrections,	:	
DAVID J. GOOD, WARDEN, S.C.I.	:	
CRESSON, and REBECCA REIFER,	:	
Assistant Warden,	:	
Defendants	:	

MEMORANDUM ORDER

This matter was referred to Magistrate Judge Keith A. Pesto for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. § 636(b)(1), and subsections 3 and 4 of Local Rule 72.1 for Magistrate Judges.

The Magistrate Judge filed a Report and Recommendation on March 23, 2007, docket no. 50, recommending that plaintiff's motion for summary judgment, docket no. 36, be denied and defendants' motion for summary judgment, docket no. 43, be granted.

The parties were notified that pursuant to 28 U.S.C. § 636(b)(1), they had ten days to serve and file written objections to the Report and Recommendation. No one has filed objections and the time to do so has expired.

Upon review of the record of this matter and the Report and Recommendation, and noting the absence of timely objections thereto, the following order is entered:

AND NOW, this 16<sup>th</sup> day of April, 2007, it is

ORDERED that plaintiff's motion for summary judgment, docket no. 36, is denied and defendants' motion for summary judgment, docket no. 43, is granted. Judgement is entered for defendants. The Report and Recommendation is adopted as the opinion of the Court. The Clerk shall mark this matter closed.

BY THE COURT:

A handwritten signature in black ink, appearing to read "Kim R. Gibson", is written over a horizontal line.

KIM R. GIBSON,  
UNITED STATES DISTRICT JUDGE

Notice by ECF to counsel of record and by U.S. Mail to:

Theodore M. Nickens AY-4528  
S.C.I. Cresson  
P.O. Box A  
Cresson, PA 16699-0001